

COCP No.2588 of 2020

Date of Decision : 25.11.2020

Harish Kumar

...Petitioner

Versus

Nitin Kumar Yadav

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Vikram Sheoran, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Sections 10 & 12 of the Contempt of Courts Act, 1971, is for taking action against the respondent for violation of judgment dated 08.07.2020 in CWP No.9447 of 2020 in case titled as '**Harish Kumar** versus **State of Haryana and another.**'

3. Learned counsel contends that vide order dated 08.07.2020, CWP No.9447 of 2020 was disposed of with a direction to the Director, Elementary Education Department, Haryana, to examine the claim of the petitioner as set out in legal notice dated 10.03.2020 and take a final decision thereon within 03 months from the date of receipt of certified copy of the order but despite lapse of the aforementioned period of time, needful has not been done therefore the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971.

under the Contempt of Courts Act, 1971 be not initiated against him.

5. Mr. Vivek Chauhan, learned Addl. A.G., Haryana, who is present, accepts notice on behalf of the respondent and has produced copy of order dated 03.11.2020, rejecting the claim of the petitioner as set out in legal notice dated 10.03.2020. The same is taken on record, and copy thereof furnished to learned counsel for the petitioner who on perusal of the same states that he does not press the contempt petition and may be permitted to withdraw the contempt petition with liberty to challenge order dated 03.11.2020, in accordance with law, before an appropriate forum.

6. In view of the statement of learned counsel for the petitioner, the contempt petition is ***dismissed as withdrawn*** with the liberty, as prayed for.

(B.S. Walia)
Judge

November 25, 2020

'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>